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DOCKET NO. D-1977-094 CP-2

DELAWARE RIVER BASIN COMMISSION

**Aqua Pennsylvania, Inc. – Flying Hills System
Groundwater Withdrawal
Cumru Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by East Latitude, LLC on behalf of Aqua Pennsylvania (Aqua PA) to the Delaware River Basin Commission (DRBC or Commission) on April 3, 2017 (Application), for a renewal and approval of an existing allocation of groundwater and review of a groundwater withdrawal project. The project wells were reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits and approved by the Pennsylvania Department of Environmental Protection (PADEP) as follows:

WELL NO.	PADEP PERMIT NO.	PADEP APPROVAL DATE
Flying Hills Wells 1, 2 and 3	0610543 MA	April 7, 2011
Green Hills Wells 1 and 2	3060811	March 3, 1985

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on November 15, 2017.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to renew the approval of an existing withdrawal of groundwater for the docket holder's distribution system of up to 27.82 million gallons per month (mgm) from an existing Flying Hills Wells 1, 2 and 3 and Green Hills Wells 1 and 2. The approval will also consolidate Docket Nos. D-1977-094, D-1991-006 and D-2001-026 CP. The requested allocation is not an increase from the previous docket allocations, it is a combined total of the three existing allocations.

2. **Location.** The project wells are located in the Schuylkill River Watershed in Cumru Township, Berks County, Pennsylvania. The Schuylkill River near the project site is designated

by the PADEP as Warm Water Fishes (WWF) and Migratory Fishes (MF). Flying Hills Wells 1 and 2 are completed in Brunswick Conglomerate and Flying Hills Well 3, Green Hills Wells 1 and 2 are completed in Hammer Creek Conglomerate.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder's distribution system serves portions of Cumru and Robeson Townships, in Berks County, Pennsylvania. The service area is outlined on a map entitled "Flying Hills Service Territory Map" submitted with the Application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria. Aqua PA Flying Hills system supplies potable water to an estimated population of 3,600 via 1,424 connections and 2 commercial connections. The average and maximum groundwater demand for this project are 0.351 million gallons per day (mgd) and 0.981 mgd, respectively. The docket holder projects an average and maximum water demand of 0.530 mgd and 1.350 mgd, respectively, by the year 2027. The allocation of 27.82 mgm should be sufficient to meet the future demands of the Aqua PA Flying Hills system.

b. Facilities. The existing project wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
Flying Hills Well 1	200	22' / 8"	300	1933
Flying Hills Well 2	603	101' / 8"	300	2008
Flying Hills Well 3	500	63' / 10"	300	1999
Green Hills Well 1	400	41' / 6"	60	1970
Green Hills Well 2	335	47' / 6"	250	1970

All water service connections are metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by pH adjustment, corrosion control and 4-Log disinfection.

The project wellheads are above the 100-year flood elevation.

The water system is not presently interconnected with any other distribution system.

c. **Other.** Wastewater is conveyed to the City of Reading sewage treatment facility most recently approved by DRBC Docket No. D-1986-028 CP-3 on September 10, 2014. The PADEP issued its most recent NPDES Permit No. PA0026549 on November 25, 2013 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project.

d. **Cost.** There is no associated construction cost with this project.

e. **Relationship to the Comprehensive Plan.** The project was previously included in the Comprehensive Plan by the Commission in Docket Nos. D-1977-094 CP, D-1991-006 and D-2001-026 CP, approved on March 22, 1978, June 19, 1991 and October 31, 2001, respectively. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

B. FINDINGS

One of the purposes of this application is to renew and consolidate dockets D-1977-094 CP, D-1991-006 and D-2001-026 CP. Consolidation is justified as the Green Hills Manor Well (D-2001-026 CP) is a source connected with the system approved by Docket No. D-1977-094 CP, and the Green Hills Management Company sources are contiguous, within the same municipality, and are strong potential candidates for interconnection with the main Flying Hills system. Additionally, consolidation will allow for more efficient and uniform compliance tracking, and ongoing water use reporting with both the Commission and PADEP.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. Aqua PA submitted their most recent Water Audit on March 30, 2017.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-1977-094 CP-2 below:

a. The projects described in Docket Nos. D-1977-094 CP, D-1991-006 and D-2001-026 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1977-094 CP-2; and

b. Docket Nos. D-1977-094 CP, D-1991-006 and D-2001-026 CP are terminated and replaced by Docket No. D-1977-094 CP-2.

c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Water Supply Permits.

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 27.82 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MGM)
Flying Hills Well 1	300	7.50
Flying Hills Well 2	300	7.50
Flying Hills Well 3	300	9.70
Green Hills Well 1	60	2.67
Green Hills Well 2	250	3.12

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

g. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

h. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

i. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

j. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

k. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. The docket holder shall implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

m. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

n. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

o. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

p. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

q. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

r. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).

s. The ownership of this approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

t. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

u. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

v. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing

ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

w. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

x. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: December 13, 2027